

HOUSE BILL REPORT

HB 2224

As Reported by House Committee On:
Local Government & Housing

Title: An act relating to installation of residential fire sprinkler systems.

Brief Description: Concerning the installation of residential fire sprinkler systems.

Sponsors: Representative Simpson.

Brief History:

Committee Activity:

Local Government & Housing: 2/18/09, 2/19/09 [DPS].

Brief Summary of Substitute Bill

- Allows expenditures from the Fire Protection Contractor License Fund to be used for developing and publishing educational materials related to the effectiveness of residential fire sprinklers.
- Exempts persons installing residential sprinkler systems in single-family homes from paying the fire operations portion of an impact fee.
- Specifies that water distribution system leakage standards adopted in water use efficiency requirements of the Department of Health must include estimated additional metering losses and increases due to meter upsizing when a residential sprinkler system is installed.
- Exempts public water systems from liability for damages resulting from shutting off water to a residential home with an installed fire sprinkler system if the shut-off is due to routine maintenance, non-payment by the customer, or water system emergencies.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by 9 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Member; Miloscia, Short, Springer, Upthegrove, White and Williams.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 2 members: Representatives Cox, Assistant Ranking Minority Member; Ericksen.

Staff: Ethan Moreno (786-7386)

Background:

Professional Requirements -- Fire Sprinkler System Contractors.

Professional installers of fire protection sprinkler systems (sprinkler systems) must satisfy applicable competency and licensing requirements. Individuals who pass an installation examination administered by the State Director of Fire Protection (State Director) or can otherwise prove their proficiency, may pay a fee and become a certificate of competency holder. Similarly, a person wishing to become a licensed sprinkler system contractor must meet specified requirements, apply for the license with the State Director, and pay a fee. Certificates of competency and licenses for sprinkler systems must be renewed annually.

All receipts from licenses and certificate of competency fees, and monies generated from associated charges, rules, and regulations, are deposited into the Fire Protection Contractor License Fund (Fund). Expenditures from the Fund may be used only for authorized fire protection and enforcement purposes, including identifying and providing assistance related to sprinkler system components that have been subject to a recall or voluntary replacement program. Only the State Director or the State Director's designee may authorize expenditures from the Fund.

Impact Fees.

Counties, cities, and towns that plan under the major provisions of the Growth Management Act are authorized to impose impact fees on development activity as part of the financing of public facilities. Impact fees are payments of money required of developers as a condition of development approval. Local governments are required to use impact fees to pay for certain public facilities that are made necessary as the result of a development and must ensure that such fees:

- are used only for system improvements that are reasonably related to the impact of the development on the use of public facilities;
- do not exceed a proportionate share of the cost of system improvements made necessary by the development; and
- are used for system improvements that reasonably benefit the new development.

In determining how system improvements are to be financed, a local government must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees. Additionally, local ordinances must also include a fee schedule for each type of development activity subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule must be based upon a formula or other method of calculating the prorated impact fee.

The types of "public facilities" which may receive funding from impact fees are limited to specified types of capital facilities owned or operated by government entities. Such public facilities are limited to the following:

- public streets and roads;
- publicly owned parks, open space, and recreation facilities;
- school facilities; and
- fire protection facilities in jurisdictions that are not part of a fire district.

Water Use Efficiency Requirements and Public Water Systems.

The Department of Health (DOH) must adopt water use efficiency requirements for all municipal water suppliers. The requirements, which are adopted in the form of administrative rules, must be tailored to accommodate differing system sizes, forecasted system demands, and system supply characteristics. In adopting the administrative rules, the DOH must satisfy numerous requirements, including:

- developing conservation planning requirements that ensure that municipal water suppliers are meeting conservation provisions;
- developing water distribution system leakage standards to ensure that municipal water suppliers are taking appropriate steps to reduce water system leakage rates or are maintaining their water systems in a condition that results in leakage rates that comply with requirements; and
- establishing minimum requirements for water conservation performance reporting to assure that municipal water suppliers are regularly evaluating and reporting their water conservation performance.

The term "public water system," for purposes of water system regulations, includes publically or privately owned systems that provide water for human consumption through pipes or other constructed conveyances.

Summary of Substitute Bill:

Expenditures from the Fire Protection Contractor License Fund may be used to develop and publish educational materials related to the effectiveness of residential fire sprinklers.

A person installing a residential sprinkler system in a single-family home is not required to pay the fire operations portion of the impact fee. The exempted fire operations impact fee does not include the proportionate share related to the delivery of emergency medical services.

Water distribution system leakage standards that are adopted in water use efficiency requirements of the DOH must include estimated additional metering losses and demand increases due to meter upsizing that is required when a residential sprinkler system is installed.

Public water systems are not liable for damages resulting from shutting off water to a residential home with an installed fire sprinkler system if the shut-off is due to routine maintenance, non-payment by the customer, or water system emergencies.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the original bill:

- It specifies that water distribution system leakage standards of the DOH must include estimated additional metering losses and demand increases resulting from meter upsizing that is required when a residential fire sprinkler system is installed.
 - It replaces a fire sprinkler related immunity provision for water companies with a similar but expanded immunity provision for public water systems.
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Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Almost 60 percent of fire deaths in Washington occur in residential homes, and residential fires result in millions of dollars of property damage. This bill is a tool for reducing life and property losses by removing barriers associated with the installation of sprinkler systems. The two largest barriers to more voluntary installations of sprinkler systems are lack of education and legal liability concerns associated with shutting off water to a residence. Technical amendments are being developed and should be adopted.

(Opposed) None.

Persons Testifying: Greg Rogers, Washington State Association of Fire Marshals; Bill Clarke; and Doug Quinn, Clark County Public Utility District.

Persons Signed In To Testify But Not Testifying: Paul O'Connor, Fire Sprinkler Advisory Board.